FEDERAL REGISTER

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Washington, Wednesday, February 11, 1942

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 24—FEDERAL LAND BANK OF LOUISVILLE

APPLICATION AND TITLE DETERMINATION FEES

Section 24.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 24.1 *Application and title determination fees (loans through associations, direct loans and Commissioner loans).* The following application and title determination fees are charged:

Appraisal fee to be submitted with the application on all applications of—

$5,000 or under	$5.00
$5,100 to $50,000 inclusive	10.00

Title determination fee deducted when loan is closed on all applications of—

$1,000 or under	$5.00
$1,100 to $3,000 inclusive	7.00
$3,100 to $50,000 inclusive	10.00

The bank will retain the whole amount of the application fee, unless the application is rejected without appraisal, in which case the fee sent with the application will be returned to the borrower through the appropriate association.

The title determination fees are in connection with twenty-five year short term abstracts prepared in accordance with instructions of the bank's legal department. In case the borrower submits a long term abstract, and elects not to pay the title reserve fee set out in § 24.3, he shall be charged for title determination the sum of $5.00 in addition to the charge set out above for title determination. (Sec. 13 "Ninth", 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup., 6 CFR 19.4019) [Res. Ex. Com., Sept. 15, 1933, Res. Bd. Dir., Jan. 10, 1934, Res. Ex. Com., Dec. 27, 1935, res. Bd. Dir., Dec. 15, 1941].

The Federal Land Bank of Louisville, acting in its own behalf and as attorney-in-fact for the Federal Farm Mortgage Corporation.

[SEAL] By E. RICE, *President.*

[F. R. Doc. 42-1233; Filed, February 10, 1942; 11:51 a. m.]

PART 31—FEDERAL LAND BANK OF BERKELEY

TRANSFER FEES

Section 31.9 of Title 6, Code of Federal Regulations, is hereby revoked. (Sec. 13 "Ninth", 39 Stat. 372, sec. 26, 48 Stat. 44; 12 U.S.C. 781 "Ninth", 723 (e)). [Res. Ex. Com., December 18, 1941]

[SEAL] THE FEDERAL LAND BANK OF BERKELEY.
By CHAS. PARKER, *President.*

[F. R. Doc. 42-1234; Filed, February 10, 1942; 11:52 a. m.]

[FCA Order No. 338]

PART 120—REGULATIONS FOR ORCHARD REHABILITATION LOANS IN KANSAS, MISSOURI, NEBRASKA, AND IOWA

§ 120.1 *Eligibility.* Loans will be made only to orchardists in the States named above whose orchards require rehabilitation by reason of having been destroyed or damaged as a result of the extremely cold weather in November 1940. The term "orchardist" means a person who, at the time of the extremely cold weather in November 1940, was engaged directly or through a tenant or agent in the production of fruit in the orchard to be rehabilitated for the purpose of commercial sale in the regular channels of trade; or the legally qualified representative of such a person now deceased; or an heir or the heirs of such person acquiring such orchard by inheritance or bequest at any time; or who acquired ownership of such an orchard (exclusive of rights of redemption not

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exercised by the former owner), by foreclosure or purchase prior to December 17, 1941.*

*§§ 120.1 to 120.29, inclusive, issued under the authority contained in Third Supplemental National Defense Appropriation Act, 1942, December 17, 1941 (Public Law 355—77th Congress), and Order of the Secretary of Agriculture dated February 2, 1942.[1]

§ 120.2 *Purposes.* Loans will be made for purposes necessary to accomplish the rehabilitation of the damaged or destroyed orchards, including the removal of damaged fruit trees where new trees are to be planted on the ground occupied by the damaged trees, the purchase of trees for planting, the planting of trees, the preservation and care of the trees, including spraying, pruning, worming, irrigation, and fertilizing, for cultivation and production purposes, and for supplies incident and necessary thereto.*

§ 120.3 *Security.* Each loan shall be secured by a real estate mortgage on the entire farm containing the orchard acreage which is to be rehabilitated, superior in rank and priority to all other mortgages and/or liens against the property (with the exception of tax liens), ascertained to be in existence pursuant to procedure prescribed by the Governor, except that, where the applicant can show conclusively his inability to meet these requirements, such other security as may be approved by the Governor of the Farm Credit Administration may be accepted in lieu thereof. Liens taken hereunder may be subordinated, waived, released, or otherwise assigned by the Governor when the Governor finds that such action is not prejudicial to the interests of the United States and is necessary or desirable as an aid to rehabilitation of the orchard.*

§ 120.4 *Loan limitation.* The amount approved for a loan to any applicant will be determined by the Governor based on a careful estimate of the amount required to rehabilitate the orchard and bring it into bearing. In no case, however, may a loan be made in an amount greater than the estimated actual cash needs for the rehabilitation of the orchard nor in excess of the maximum allowances established by the Governor upon the advice of the Horticultural Divisions of the State Colleges of Agriculture of the States covered and/or the Division of Fruit and Vegetable Crops and Diseases, Bureau of Plant Industry, United States Department of Agriculture, for the various purposes for which funds may be disbursed.*

§ 120.5 *Installments.* Loans may be disbursed in such installments as the Governor may approve.*

§ 120.6 *Interest rate; payments.* Each loan will be evidenced by a note or notes payable to the United States of America (Governor of the Farm Credit Administration) bearing interest from date of disbursement until paid at the rate of 4 percent per annum, payable at such time as the Governor may approve. Payments on loans will be applied first to principal until the entire amount of the principal has been repaid; thereafter payments will be applied to interest.*

§ 120.7 *Applicants' agreements.* Each applicant must agree to undertake and carry out the rehabilitation of his orchard in accordance with approved horticultural practices in the district and the advice and supervision given by a horticultural adviser selected by the Governor.*

§ 120.8 *Acreage limitation.* No such loan will be made to any applicant for the purpose of replanting a greater acreage of fruit trees than that actually occupied by fruit trees damaged or destroyed by the extremely cold weather in November 1940; or whose total orchard acreage, including existing healthy trees and the acreage to be planted within the next three years, does not make a sound economic unit.*

§ 120.9 *Care and operation of orchard.* No such loan will be made to any applicant whose orchard, in the opinion of a horticultural adviser, will not receive proper care or will not be operated by an experienced fruit grower.*

§ 120.10 *Replanting.* No such loan will be made to any applicant for replanting unless, in the opinion of a horticultural adviser, the soil and location to be planted are well adapted to growing the types and varieties of fruit which the applicant plans to plant, and the rehabilitation will result in a satisfactory commercial orchard unit.*

§ 120.11 *Planting.* No such loan will be made to any applicant for the planting, care or preservation of varieties of orchard fruits which in the opinion of a horticultural adviser are unadapted to the soil or climate, or for which there is not now or is not likely to be a satisfactory market under normal conditions.*

§ 120.12 *Suitable stocks.* No such loan will be made to any applicant for the planting of fruit trees grafted or budded on unadapted, tender or otherwise unsuitable stocks.*

§ 120.13 *Availability of other credit.* No such loan will be made to any applicant whose credit situation is such that he can obtain satisfactory financing for

[1] 7 F.R. 732.

the rehabilitation of his orchard without the aid of this loan. The orchard rehabilitation appropriation shall be administered as a source of credit to supplement credit which may be available from other sources.*

§ 120.14 *Ineligible loan purposes.* No such loan will be made to any applicant for the purchase of machinery or livestock other than that needed for the care and preservation of the orchard, or for such items as the payment of rent, debts unrelated to the orchard rehabilitation, or interest thereon, because these are not within the purposes specified in § 120.2.*

§ 120.15 *Nondisturbance agreements and waivers.* No such loan will be made to any applicant who fails to submit nondisturbance agreements or waivers in the form prescribed by the Governor, duly executed by each of the lienholders listed in the application or otherwise ascertained: *Provided, however,* That the Governor may waive this requirement when, in his discretion, it appears advisable to do so.*

§ 120.16 *Foreclosure notices.* No such loan will be made to any applicant who has been served with a formal notice of foreclosure on real property or on such personal property as is necessary in rehabilitating the orchard unless a nondisturbance agreement or waiver in the form prescribed, duly executed by the party or parties having served such formal notice of foreclosure, is presented.*

§ 120.17 *Financial condition of applicant.* No such loan will be made to any applicant whose financial condition is such that, in the opinion of the Governor, there is little or no likelihood of his succeeding on the orchard to be rehabilitated unless a satisfactory composition of debts is effected.*

§ 120.18 *Minors, agents, representatives, etc.* No such loan will be made to minors, agents, or representatives or, without court order, to executors, guardians, or administrators unless a valid lien acceptable to the Governor or his representative can and will be given on the property on which the loan is sought.*

§ 120.19 *Married persons.* No such loan will be made to a married person unless the spouse of such person joins in the execution of the application, notes, and liens securing the same.*

§ 120.20 *Part owners.* No such loan will be made to any applicant who is a part owner of the orchard to be rehabilitated, unless all persons having a beneficial interest in such orchard join in the application, notes, and liens securing the same.*

§ 120.21 *Corporations.* No such loan will be made to any applicant which is a corporation, unless its principal business is farming, and unless stockholders representing at least a majority of the stock of such corporation endorse the note given for each installment.*

§ 120.22 *Misrepresentation.* No such loan will be made to any applicant who makes a material intentional misrepresentation for the purpose of obtaining such loan, or to an applicant who is believed to be an unsatisfactory moral risk.*

§ 120.23 *Furnishing information.* No such loan will be made to any applicant who fails, upon request of the Governor, to provide available or obtainable information relating to his land, orchard, crops, or other property or financial condition.*

§ 120.24 *Forms.* The amount approved for a loan to any applicant will be paid upon receipt and approval of the following documents:

(a) Loan application properly executed in the prescribed form.

(b) A promissory note or notes in the form prescribed, executed by the applicant for the total approved amount of the loan, or for the amount of each installment, payable to the United States of America (Governor of the Farm Credit Administration) bearing interest at the rate of 4 percent per annum until paid.

(c) Lien instruments meeting the requirements of § 120.3 properly executed and filed, registered or recorded in the proper office as required by State law. Such lien instruments shall be taken in an amount sufficient to cover all sums advanced or to be advanced from time to time as provided in § 120.4.

(d) Nondisturbance agreements in the form prescribed, duly executed by each lienholder, except such as may be exempted from this requirement as provided in § 120.15.

(e) A voucher for the amount of the first installment properly executed on the prescribed form. (Similar voucher must be filed when each subsequent installment becomes payable.) *

§ 120.25 *Fees.* Fees for recording, filing, registration, and examination of records (including certificates) shall be paid by the borrower.*

§ 120.26 *Designation of employees, agents, and representatives.* All functions, powers, authority, and duties which are vested in the Governor by Order of the Secretary of Agriculture dated February 2, 1942,[1] and by these regulations, including the findings provided for in § 120.3, may be exercised and performed, subject to the jurisdiction and control of the Governor, by the Director of the Emergency Crop and Feed Loan Section or such employees, agents, and representatives as the Director may designate from time to time.*

§ 120.27 *Horticultural adviser.* The term "horticultural adviser" as used herein shall mean such trained horticulturist or horticulturists as may be selected by the Governor.*

§ 120.28 *Office to make and disburse.* Loans will be made and disbursed by the Emergency Crop and Feed Loan Regional Office at Omaha, Nebraska.*

§ 120.29 *Changing regulations.* The right is reserved to revoke, alter, or amend the regulations in this part at any time and without notice.*

[SEAL] A. G. BLACK,
Governor.

[F. R. Doc. 42-1232; Filed, February 10, 1942; 11:52 a. m.]

[1] 7 F.R. 732.

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1942-3]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148, 16 U.S.C. 590g to 590q), as amended, the 1942 Agricultural Conservation Program,[1] as amended, is further amended as follows:

1. Section 701.301 (a) (9) (i) and (ii) are amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions.*

* * * * *

(a) *Corn.*

* * * * *

(9) *Deduction*—(i) *Corn-allotment farms.* Ten times the payment rate for each acre planted to corn in excess of the corn acreage allotment but not to exceed the maximum corn payment for the farm, except that ten times the payment rate for each acre planted to corn in excess of 130 percent of its corn allotment shall be deducted from any other payment computed for the farm.

(ii) *Non-corn-allotment farm.* Ten times the payment rate for each acre planted to corn in excess of the larger of (a) 15 acres or (b) 130 percent of its corn allotment.

2. Section 701.301 (c) (5) is amended to read as follows:

(c) *Peanuts.*

* * * * *

(5) *Payment.* $1.45 per ton of the normal yield of peanuts for the farm for each acre in its peanut allotment, or, if the acreage of peanuts grown on the farm is less than 80 percent of the farm's peanut allotment, for an acreage equal to 125 percent of the acreage of peanuts, unless the acreage of peanuts is less than 80 percent of such allotment because of flood or drought.

3. Section 701.301 (d) (6) is amended to read as follows:

(d) *Potatoes.*

* * * * *

(6) *Payment.* 2 cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment, or, if the acreage of potatoes is less than 80 percent of the farm's potato allotment, for an acreage equal to 125 percent of the acreage of potatoes, unless the acreage of potatoes is less than 80 percent of such allotment because of flood or drought, except that no payment will be made with respect to any farm on which no potatoes were harvested in any of the three years 1939 to 1941 and the operator of which did not harvest any potatoes on any farm during such period.

[1] 6 F.R. 4111, 5520, 6472.

4. Section 701.301 (e) (6) is amended to read as follows:

(e) *Rice.*

* * * * *

(6) *Deduction.* Ten times the payment rate for each acre by which the acreage of rice planted is less than its rice allotment, but not to exceed the maximum rice payment computed for the farm.

5. Section 701.301 (g) (6) is amended by changing the period at the end to a colon and adding the following:

(g) *Wheat.*

* * * * *

(6) *Acreage planted to wheat.* * * * *Provided,* That all or any part of any wheat acreage determined by the county committee to have been totally destroyed by any cause beyond the control of the operator may be considered as not having been planted to wheat if it cannot be reseeded and, with prior approval of the county committee, is later replaced by other acreage of seeded or volunteer wheat.

6. Section 701.301 (i) (1) (iii) is amended to read as follows:

(i) *Minimum soil-conserving and soil-building requirements.* * * *

(1) *Minimum conserving acreage.*

* * * * *

(iii) Sudan, millet, rye, or annual ryegrass, for pasture.

7. Section 701.302 (d), the second proviso clause is amended to read as follows:

§ 701.302 *Soil-building goals, payments, and practices.*

* * * * *

(d) *Soil-building allowance.* * * * *Provided further,* That, with prior approval of the State committee, a group of persons in any local area may, in the interest of the community welfare, combine by written agreement all of the soil-building allowances for designated farms in which they are interested as landlords, tenants, or sharecroppers, for the performance of erosion control, forest tree planting and management, or perennial weed control practices on any one or more of such farms. The soil-building allowance for any farm may be included in the combination only if all of the persons interested in the farm as landlord, tenant, or sharecropper execute the agreement. The soil-building practices to be performed and the farm or farms on which such practices are to be carried out shall be specified in the agreement. The soil-building payments earned under the agreement shall be divided among such persons on the basis of their respective contributions, as determined by the county committee, to the performance of such soil-building practices. Any payment so determined for a person shall be considered as a soil-building payment earned on the farm covered by the agreement in which such person has an interest as landlord, tenant, or sharecropper. Notwithstanding the foregoing provisions, if the State committee determines that a net deduction has been incurred on any farm included in the agreement and the persons on such farm have not offset the deduction by payments earned by contribution to the soil-building practices carried out under the agreement, the State committee shall exclude such farm from the agreement and the soil-building allowance for the farm will not be available under the agreement or on the individual farm.

8. Section 701.302 (f) (13) is amended to read as follows:

(f) *Soil-building practices.*

* * * * *

(13) Reseeding depleted pastures, range land, mountain meadow land, or restoration land, with good seed of adapted pasture or range grasses, perennial or biennial legumes, approved pasture mixtures or forage shrubs, or with good seed of annual legumes in range areas designated by the Agricultural Adjustment Administration—15 cents per pound.

9. Section 701.302 (f) (43) is amended to read as follows:

* * * * *

(43) Listing unprotected cropland in arid or semi-arid areas at right angles to the prevailing winds (no credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of a seeding operation)—15 cents per acre.

10. Section 701.308, the first paragraph is amended by adding at the end thereof the following sentence:

§ 701.308 *Conservation materials.* * * * In addition, farming materials to be used in planting on the farm crops, the expansion of production of which the Secretary finds necessary to encourage in the national defense, may be furnished by the Agricultural Adjustment Administration in lieu of payments in areas designated by the Agricultural Adjustment Administration as areas where such expansion of production may not be attained unless such materials are so furnished.

11. Section 701.309 (f) is amended by changing the heading, by adding the following subparagraph (1), and by renumbering the present paragraph to be subparagraph (2):

§ 701.309 *General provisions relating to payments.*

* * * * *

(f) *Deductions in case of an erroneous cropland acreage determination or an erroneous notice of acreage allotment.* (1) In any case where, through error in a county or State office, the producer was officially notified of a cropland acreage for a farm which is determined to be erroneous, and the county and State committees find that the producer, acting upon information contained in such official notification, has not met the requirement applicable to his farm set forth in § 701.301 (i), and the producer was not notified as to the correct cropland acreage in sufficient time to permit him to meet such requirement on the basis of the corrected cropland acreage, any deduction made pursuant to the provisions of § 701.301 (i) shall be made on the basis of the cropland acreage given in such erroneous notification or the correct cropland acreage, whichever is the smaller.

12. Section 701.310 (a) is amended to read as follows:

§ 701.310 *Application for payment—*(a) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of § 701.303, a share in the payment with respect to the farm may be computed.

13. Section 701.313 (e) (2) and (4) are amended to read as follows:

§ 701.313 *Definitions.*

* * * * *

(e) *Miscellaneous.*

* * * * *

(2) "Landlord" or "owner" means a person who owns land.

* * * * *

(4) "Tenant" means a person other than a sharecropper who rents land from another person (whether or not he rents such land or part thereof to another person), including, in the case of rice, a person furnishing water for a share of the rice.

Done at Washington, D. C., this 10th day of February 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-1210; Filed, February 10, 1942; 11:09 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 32]

PART 151—REGULATIONS UNDER THE INTERNAL REVENUE CODE RELATING TO NARCOTICS

REGULATIONS NO. 5;[1] IMPORTATION, MANUFACTURE, PRODUCTION, COMPOUNDING, SALE, DEALING IN, DISPENSING AND GIVING AWAY OF OPIUM OR COCA LEAVES OR ANY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, OR PREPARATION THEREOF—AMENDMENT TO JOINT NARCOTIC REGULATIONS MADE BY THE COMMISSIONER OF NARCOTICS AND THE COMMISSIONER OF INTERNAL REVENUE WITH THE APPROVAL OF THE SECRETARY OF THE TREASURY

Section 151.185 of Part 151—(Regulations Under Chapters 23 and 27 of the Internal Revenue Code) Article 185 of Bureau of Narcotics Regulations No. 5, dated June 1, 1938, is hereby amended to read as follows:

§ 151.185 *Records required.* Every manufacturer, producer, compounder, or vendor (including dispensing physicians), of exempt preparations shall record all sales, exchanges, gifts, or other dispositions, the entries to be made at

[1] 3 F.R. 1291.

the time of delivery. The requirement that such records be maintained as herein provided and as provided in the second proviso of Internal Revenue Code section 2551 (a) is absolute, independent, and not merely a condition precedent to securing the exemption granted by the last cited section to manufacturers, producers, compounders, or vendors (including dispensing physicians), of exempt preparations; failure to keep such records is in itself a violation of law and regulation and renders the manufacturer, producer, compounder, or vendor (including dispensing physicians), liable to the penalties set forth in Internal Revenue Code section 2557. Separate records shall be kept of dispositions to registrants and of dispositions to consumers. The record of dispositions to registrants shall show the name, address, and registry number of the registrant to whom disposed, the name and quantity of the preparation, and the date upon which delivery to the registrant, his agent or a carrier is made. The record of dispositions to consumers shall show the name of the recipient, his address, the name and quantity of the preparation, and the date of delivery.

Forms are not furnished for the keeping of these records, but the records shall be in the following form:

FORM OF RECORD OF DISPOSITIONS TO REGISTRANTS

Date	Registration No. of recipient	Name of recipient	Address	Name of preparation	Quantity

FORM OF RECORD OF DISPOSITIONS TO CONSUMERS

Date	Name of recipient	Address	Name of preparation	Quantity

In the case of manufacturers of or dealers in exempt preparations who are also registered as manufacturers of or dealers in taxable drugs in Class I or II, the foregoing requirement as to records of dispositions to registrants shall be deemed to be complied with, if all such dispositions are evidenced by vouchers or invoices containing all the required information and such vouchers or invoices are kept in a separate file arranged chronologically.

As to records required in the case of registrants supplying exempt preparations to consumers pursuant to prescriptions issued by registered physicians, the foregoing requirement as to records of dispositions to consumers shall be deemed to be complied with if each such prescription shows the name and address of the recipient, the name and quantity of the preparation, and the date of filling, and the prescriptions are kept on the narcotic prescription file.

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.
NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: February 6, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1238; Filed, February 10, 1942; 11:57 a. m.]

TITLE 29—LABOR

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 2—REGULATIONS APPLICABLE TO CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

AMENDMENT WITH RESPECT TO CONTRACTUAL OBLIGATION TO COMPLY WITH REGULATIONS

Regulation and Authority Therefor

Pursuant to and by virtue of the authority conferred by section 2 of the act of June 13, 1934,[1] and section 9 of Reorganization Plan No. IV, effective June 30, 1940, in accordance with section 4 of H. J. Res. 551 (Public Res. No. 75), approved June 4, 1940,[2] §§ 2.2 (c) and 2.6 of the Regulations of February 4, 1942,[3] are hereby amended by inserting in § 2.2 (c) after the words "public work" and before the word "is," the words "or building or work financed in whole or in part by loans or grants from the United States," and by inserting in § 2.6 after the words "public work" and before the word "covered," the words "or building or work financed in whole or in part by loans or grants from the United States." These amendments shall be effective immediately upon publication in the FEDERAL REGISTER.

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 42-1227; Filed, February 10, 1942; 11:51 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER A—GENERAL PROVISIONS

PART 903—DELEGATIONS OF AUTHORITY

Supplementary Directive No. 1 B—Further Delegation of Authority to the Office of Price Administration With Reference to Rationing of Tire Recapping and Retreading Material

§ 903.3 *Supplementary Directive 1 B.* (a) In order to permit the efficient rationing of retreaded and recapped tires, the authority delegated to the Office of Price Administration by § 903.1 (*Directive 1*) is hereby extended to the exercise of rationing control over the use, sale, transfer or other disposition of retreaded or recapped tires or of recapping and retreading materials by or to any person engaged in retreading or recapping tires or otherwise dealing in such materials, except those specified in paragraph (a) (1) of said Directive No. 1.

(b) The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 567; Sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.; W.P.B. Dir. No. 1, Jan 24, 1942, 7 F.R. 562)

Issued this 9th day of February, 1942.

DONALD M. NELSON,
Chairman, War Production Board.

[F. R. Doc. 42-1222; Filed, February 10, 1942; 11:47 a. m.]

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 958—REPAIRS, MAINTENANCE, AND OPERATING SUPPLIES

Preference Rating Order No. P-100 as Amended February 10, 1942

Section 958.2 (*Preference Rating Order P-100*[1]) is hereby amended so as to read as follows:

§ 958.2 *General Preference Order P-100.* (a) For the purpose of facilitating the acquisition of Material for (1) the maintenance and repair of the property and equipment of producers as hereinafter defined, and (2) the continued operation of the property and equipment of such producers, a preference rating is hereby assigned to deliveries of such Material upon the terms hereinafter set forth. Such terms shall control until such time as the Director of Industry Operations (hereinafter referred to as the "Director") certifies specific quantities of such Material to which the preference rating herein assigned may be applied, or until he may specifically limit production by any type of producer or withdraw any type of Material from use by such producer, or until he may issue an order specifically relating to the maintenance, repair, and operation of the property and equipment of any type of producer.

(b) *Definitions.* (1) "Producer" means:

(i) Any governmental unit of the United States of America,

(ii) Any individual, partnership, association, corporation, or other form of enterprise located in the United States, its territories and possessions, engaged in one or more of the following capacities to the extent that it is so engaged or so acts:

(a) Manufacturing, processing, or fabricating,

[1] Sec. 2, 48 Stat. 948, 40 U.S.C., Sup. 276c.
[2] Sec. 9, 54 Stat. 1236; Sec. 4, 54 Stat. 231; 5 U.S.C., Sup. 133u.
[3] 7 F.R. 687.

[1] 6 F.R. 6548.

(b) Warehousing—maintaining warehouses for storage or distribution of any Material,

(c) Wholesaling—acting as a distributor of products sold to manufacturers, wholesalers, retailers, or other persons not consumers,

(d) Charitable institutions—any charitable or eleemosynary institution which is recognized as such for purposes of the Internal Revenue Laws of the United States,

(e) Carriers—urban, suburban, and interurban common or contract carriers of passengers or freight by electric railway, electric coach, motortruck, or bus, including terminals of any of the foregoing; railroads, including terminals; shipping—commercial carriers of freight and passengers by ocean, lake, river, or canal, including terminals,

(f) Educational institutions (including vocational training),

(g) Printers and publishers,

(h) Radio—commercial broadcasting and communication,

(i) Telephone and telegraph communication, including wire services,

(j) Hospitals, clinics, and sanatoriums.

(k) Irrigation systems, whether publicly or privately owned; toll bridges and toll canals.

(iii) Any person located in the United States, its territories and possessions, using tools or equipment to repair or maintain agricultural machinery or the property of any Producer as defined in (b) (1) (i) and (ii).

(iv) Any person located in the Dominion of Canada, to whom and in whose name a copy of this Order is specifically issued.

(2) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(3) Subject to subparagraph (6), "Maintenance" means the upkeep of a Producer's property and equipment in sound working condition.

(4) Subject to subparagraph (6), "Repair" means the restoration of a Producer's property and equipment to a sound working condition when such property or equipment has been rendered unsafe or unfit for service by wear and tear, damage, destruction of parts, or similar causes.

(5) Subject to subparagraph (6), "Operating Supplies" means any Material which is essential to the operation of the Producer's business and which is consumed in the course of such business including, but not limited to, lubricants, catalysts, small perishable tools, and ferrous material necessary for the fabrication of containers; provided, it shall not include:

(i) Any Material which is physically incorporated, in whole or in part, into any material which the producer manufactures, distributes, sells, stores, or transports, excepting Material used by a Producer to repair or maintain agricultural Machinery or the property of another Producer, or

(ii) Any Material that is to be used as fuel, or

(iii) Any non-ferrous Material to be used as packaging supplies.

(6) The terms "Maintenance," "Repairs," and "Operating Supplies" *do not* include the following:

(i) The replacement of an item carried on the Producer's books as a fixed asset,

(ii) Material which would not be carried on the Producer's books as Maintenance, Repairs, Operating Supplies, or the equivalent, in the Producer's established method of bookkeeping,

(iii) Material for the improvement of a Producer's property or equipment through the replacement of Material in the existing installation unless such equipment is beyond economic repair.

(iv) Material for additions to, or expansions of, such property or equipment.

(7) "Supplier" means any person with whom a purchase order or contract has been placed for delivery of Material to a Producer or another Supplier.

(c) *Assignment of preference rating.* Subject to the terms of this Order, Preference Rating A–10 is hereby assigned:

(1) To deliveries, to a producer, of Material required by him as Operating Supplies or for the maintenance or repair of his property or equipment;

(2) To deliveries to any Supplier, who has received purchase orders rated under this Order from a Producer or from another Supplier, of Material which will be delivered by him or by another Supplier to the Producer to fill such rated orders, or which will be physically incorporated into Material which will be so delivered; or which will be used within the limitations of paragraph (f) (2) hereof, to replace in such Supplier's inventory Material delivered to fill orders rated pursuant to this Order or pursuant to Preference Rating Order No. P–22, as heretofore amended.

Provided, That when any General Preference ("E" or "M") Order assigns a specific preference rating to deliveries of any particular Material to be used by a particular industry or for a specific purpose, such preference rating shall control and the A–10 rating hereby assigned may not be applied: *And provided further,* That the preference rating hereby assigned may not be applied to deliveries of any Material to be used for purposes prohibited by any Order or Regulation issued by the Director.

(d) *Persons entitled to apply preference rating.* The Preference Rating hereby assigned may be applied by:

(1) A Producer;

(2) Any Supplier provided deliveries to a Producer or another Supplier are to be made by him, which are of the kind specified in paragraph (c) of this section and have been rated pursuant to this Order.

(e) *Application of preference rating.* (1) A Producer or Supplier, in order to apply the preference rating to deliveries of Material to him, must endorse the following statement on the original and all copies of the purchase order or contract for such Material manually signed by a responsible official duly designated for such purpose by such Producer or Supplier:

Material for Maintenance, Repair, or Operating Supplies—Rating A–10 under Preference Rating Order P–100 with the terms of which I am familiar.

(Name of Producer or Supplier and Serial No. of Producer if located in Canada.)

(Signature of Designated Official)

Such endorsement shall constitute a representation to the Director that such Material is required for the purpose stated and that the application of the rating is authorized by this Order. Any such purchase order or contract for such Material shall be restricted to Material the delivery of which is rated in accordance herewith.

(2) The Producers and each Supplier placing or receiving any purchase order or contract rated hereunder shall each retain, for a period of two years, for inspection by representatives of the Director, endorsed copies of all purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(f) *Restrictions on use of rating*—(1) *Restrictions on producer and supplier.* No Producer or Supplier may apply the rating hereby assigned to obtain scarce Material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material or by change of design.

(2) *Restrictions on supplier.* (i) No Supplier may deliver Material pursuant to a rating applied to him by a Producer located in the Dominion of Canada, unless the endorsement on the purchase order placed with such Supplier includes a Serial number.

(ii) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (iii) and (iv) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(iii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled, or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iv) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled, or otherwise physically changed may defer application of the rating hereunder to

purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(g) *Restrictions on withdrawals and inventory.* (1) Except as provided in paragraph (g) (3) and (4) of this section, no Producer who has applied the ratings assigned hereby shall, at any time, accept deliveries (whether or not rated pursuant to this Order) of any Material to be used as Operating Supplies or for Maintenance or Repair until the Producer's inventory and stores of Material to be used for these purposes have been reduced to a practicable working minimum. Such practicable minimum shall in no event exceed one hundred ten percent (110%) of the maximum dollar volume of Material to be used as Operating Supplies and for Repairs and Maintenance in inventory and stores during the corresponding calendar quarter of 1940.

(2) Except as provided in paragraph (g) (3) and (4), no Producer who has applied the ratings assigned hereby shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any Material to be used as Operating Supplies or for Maintenance or Repair the aggregate dollar volume of which shall exceed one hundred ten percent (110% of the aggregate dollar volume of the withdrawals of such Material during the corresponding quarter of 1940, or, at the Producer's option, twenty-seven and one-half percent (27½) of the aggregate dollar volume of the withdrawals of such Material during the calendar year 1940.

(3) From time to time, the Director may determine that certain Producers or classes of Producers are exempt, in whole or in part, from the restrictions contained in paragraph (g) (1) and (2).

(4) Restrictions contained in paragraph (g) (1) and (2) shall not apply to any Producer during any Calendar Quarterly Period in which (i) the total volume of his purchases of Material for Maintenance, Repairs, and Operating Supplies does not exceed five thousand dollars ($5,000); and (ii) the total volume of his withdrawals of Material for such purposes does not exceed five thousand dollars ($5,000).

(h) *Audits and reports.* (1) Each Producer or Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the Director.

(2) Each such Producer or Supplier shall execute and file with the Director such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the Director.

(i) *Order not applicable.* This Order is not applicable to persons whose maintenance, repair, and operating supply requirements are specifically provided for by any other Order.

(j) *False statements and penalties.* Any person who applies the preference rating hereby assigned in willful violation of the terms and provisions of this Order, or willfully falsifies any records which he is required to keep by this Order, or who obtains a delivery of Material by means of a material and willful misstatement will be forbidden to further apply said rating. Such person may also be prohibited from obtaining further deliveries of Material under allocation and be deprived of any other priorities assistance. The Director may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(k) *Revocation or modification.* This Order may be revoked or amended by the Director at any time as to any Producer or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, but no applications of this rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by said revocation or expiration.

(l) *Effective date.* This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1225; Filed, February 10, 1942; 11:48 a. m.]

PART 963—SILK

Amendment to General Preference Order M-22 as Amended to Conserve the Supply and Direct the Distribution of Silk

Section 963.1 (*General Preference Order M-22* [1]) as amended October 16 and October 28, 1941 is hereby further amended as follows:

Paragraph (c) is amended to read as follows:

(c) *Restrictions on sales, deliveries and use*—(1) *Sales.* Regardless of any preference rating assigned thereto or of the provisions of paragraph (b) of General Preference Order M-22 as amended October 16, 1941, no person other than Defense Supplies Corporation shall hereafter sell or otherwise transfer title to any raw silk to any person other than Defense Supplies Corporation, and no person other than Defense Supplies Corporation shall hereafter purchase or otherwise acquire title to any raw silk except from Defense Supplies Corporation.

(2) *Deliveries prior to February 23, 1942.* Until February 23, 1942, no person other than Defense Supplies Corporation shall make any deliveries and no person other than Defense Supplies Corporation shall accept delivery of raw silk except (i) to or from Defense Supplies Corporation or (ii) to fill contracts heretofore made under the categories of orders specified in paragraph (b) of General Preference Order M-22 as amended October 16, 1941, unless specifically authorized by the Director of Industry Operations.

(3) *Deliveries after February 22, 1942.* Regardless of any preference rating assigned thereto or of the provisions of paragraph (b) of General Preference Order M-22 as amended October 16, 1941, after February 22, 1942, no person other than Defense Supplies Corporation shall make any deliveries of raw silk to any person except Defense Supplies Corporation and no person other than Defense Supplies Corporation shall accept deliveries of any raw silk except (i) from Defense Supplies Corporation or (ii) as provided in paragraph (b), (2) of General Preference Order M-22, as amended October 16, 1941.

(4) *Use after March 1, 1942.* After March 1, 1942, no person shall use any raw silk in fulfilling the contracts specified in paragraphs (b), (1), (i) and (ii) of General Preference Order M-22, as amended October 16, 1941, except raw silk of the types and grades approved for use in such contracts by the Director of Industry Operations.

2. This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong. 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

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PART 984—LEAD

Supplementary Order No. M-38-e

§ 984.6 *Supplementary Order M-38-e.* (a) The Director of Industry Operations hereby determines that the amount of lead to be set aside by each refiner pursuant to paragraph (c) (2) of § 984.1 (*General Preference Order M-38*) for the month of February, 1942, shall be 15% of the total amount of lead produced by such refiner during the month of December, 1941.

(b) This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024,

[1] 6 F.R. 5290, 5532.

Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong. 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1223; Filed, February 10, 1942; 11:48 a. m.]

PART 1074—VITAMIN A

Limitation Order L-40 To Conserve the Supply of Vitamin A

Whereas national defense requirements for Vitamin A have created a shortage thereof for defense for private account and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof; and

Whereas reduction in the quantities of Vitamin A consumed in the manufacture of multivitamin preparations for human consumption and in the manufacture of poultry, cattle, fur-bearing or other animal feed in the manner and to the extent hereinafter provided, can be effected without impairing the effectiveness of such preparations or feeds.

Now, therefore, it is hereby ordered, That

§ 1074.1 *Limitation Order L-40*—(a) *Definitions.* For the purposes of this Order.

(1) "Vitamin A" shall include Vitamin A and its "pro-vitamins" such as carotenes and cryptoxanthin derived from plant, animal, fish or marine animal sources.

(2) "Multivitamin" shall mean represented to contain more than one vitamin.

(3) "Fish Liver oils" shall mean oils containing Vitamin A, derived, extracted or processed from livers of the cod, shark, halibut, or other fish.

(4) "Feed" shall mean natural or artificial feedstuffs or rations or other substances intended for poultry, cattle, fur-bearing or other animals, as a complete ration, or as a component of, or in reinforcement of, other diets.

(b) *General restrictions.* (1) Except as provided in paragraph (b) (3), or upon express authorization of the Director of Industry Operations, no person shall, on or after February 10, 1942, manufacture multivitamin capsules, tablets, or pills represented to contain more than 5,000 U. S. P. XI units of Vitamin A in each such capsule, tablet, or pill, or in such number of such capsules, tablets, or pills as is recommended by the label or accompanying instructions to constitute the largest daily dose.

(2) Except as provided in paragraph (b) (3), or upon express authorization of the Director of Industry Operations, no person shall, on or after February 10, 1942, manufacture multivitamin liquid preparations represented to contain more than 5,000 U. S. P. XI units of Vitamin A in the largest daily dosage recommended by the label or accompanying instructions.

(3) The restrictions of subparagraphs (1) and (2) above shall not apply to the manufacture of preparations containing no other vitamin than Vitamin A, or to preparations containing Vitamins A and D where the Vitamin A potency is 25,000 U. S. P. XI units or more in the recommended daily dosage; and the restrictions of subparagraph (2) above shall not apply to the manufacture of preparations recognized in the U. S. P. or N. F.

(4) Unless expressly authorized by the Director of Industry Operations, no person shall, on or after February 10, 1942, use, or dilute for use, in the manufacture or preparation of feed, fish liver oil which in undiluted form has a potency of more than 12,000 U. S. P. XI units of Vitamin A per gram.

(5) Unless expressly authorized by the Director of Industry Operations, no person shall, on or after April 10, 1942, manufacture or prepare feeds which in the form recommended to be consumed contain more than 1000 U. S. P. XI units of Vitamin A per pound, derived from fish or fish liver oils.

(c) *Applicability of General Preference Order M-71, as amended.* All sales, purchases and deliveries of Fish Liver Oils shall continue subject to the provisions and restrictions of General Preference Order M-71, as amended from time to time.

(d) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(e) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(f) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in his community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the War Production Board by a letter setting forth the pertinent facts and the reasons why he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(g) *Communications to War Production Board.* All communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Health Supply Branch, Washington, D. C., Ref: L-40.

(h) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

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CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1304—IRON AND STEEL SCRAP

AMENDMENT NO. 14 TO PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP

Section 1304.8, § 1304.13 (a) footnotes 6 and 7, (c) (4), (c) (4) (iii), (d) and (e), § 1304.14, (c) (1), § 1304.15 (b) are amended to read as set forth below and § 1304.13 (c) (4) (iv) is added.

§ 1304.8 *Record-keeping and reporting requirements.* Every dealer in, and every maker, smelter, processor, broker, or consumer of, and every other person purchasing or selling iron and steel scrap shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(a) As of the close of each month, the quantity in pounds and quality by grades of iron and steel scrap, (1) on hand and (2) on order;

(b) In the case of transactions for which maximum prices are established in this Schedule, each such purchase or sale, the date thereof, the name and address of the buyer or the seller, the shipping point price, the quantity in pounds and quality in grades, as defined in the applicable appendix, the mode or modes of transportation used from shipping point to point of delivery, the transportation charges involved, the bills of lading and other documents evidencing the movement from shipping point to point of delivery, the delivered price and the commission, if any, involved in the transaction. The record shall also contain such further requirements as are set forth in the applicable appendix (see especially § 1304.15 (b) (2) (iii)).

(c) In the case of transactions (including purchases or sales of used material which is to be made into iron and steel scrap, e. g. a box car, locomotive, graveyard automobile or the like) for which no maximum prices are established hereunder, each such purchase or sale, the date thereof, name and address of the buyer or seller, the type of material involved, the purchase or sales price, and the terms of such price (i. e. whether the material is purchased or sold *as is, where is,* or *delivered to the dealer's yard,* or otherwise).

(d) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.

* * * * *

§ 1304.13 *Appendix A; maximum prices for iron and steel scrap other than railroad scrap*—(a) *Basing point*[1] *prices from which shipping point prices and consumers' delivered prices are to be computed.*

* * * * *

BASIC OPEN HEARTH GRADES[6]

* * * * *

ELECTRIC FURNACE, ACID OPEN HEARTH AND FOUNDRY GRADES[6][7]

(For electric furnace, acid open hearth & foundry use only)

* * * * *

[6] In no case may special preparation charges be added to the prices listed above. Inferior grades shall continue to be purchased at the differential below the corresponding listed grade price which the consumer paid during the period September 1, 1940 to January 31, 1941. Bundles with less than 50% tin-coated material shall be priced at $5.00 per gross ton under Basic Open Hearth Grades; bundles with more than 50% tin-coated material shall be priced at $8.00 below Basic Open Hearth Grades.

Except upon prior approval by the Office of Price Administration, no grade of scrap deemed by buyer or seller or both to be superior to any grade listed above shall be purchased at a premium above the corresponding listed grade with the following exceptions: (a) In the case of cast iron borings, containing no more than 0.5 percent oil content, for chemical use in the manufacture of explosives, the basing point price shall be $5.00 per gross ton over the price of Item 11. Where cast iron borings are purchased for chemical use other than in the manufacture of explosives, the price shall be $3.00 per gross ton over the price of Item 11. (b) In the case of ingot iron scrap and any alloyed ferrous scrap, except manganese scrap, purchased by an Electric Furnace or Acid Open Hearth for recovery of alloy content, such grades may be purchased at the differential above the corresponding listed grade which the consumer paid during the period September 1, 1940, to January 31, 1941.

Mixed shipments of Basic Open Hearth or Blast Furnace grades shall be deemed shipments of unprepared scrap and shall be priced in accordance with the provisions of paragraph (e) of this section, unless the consumer has authorized a mixed shipment in his purchase order.

[7] Except in cases in which the Office of Price Administration has given prior approval to Basic Open Hearth consumers to purchase Alloy Free Low Phos. and Sulphur Turnings at the prices listed above, no Basic Open Hearth or Blast Furnace consumer may purchase any of the above grades at a price in excess of the price listed herein for the corresponding Basic Open Hearth or Blast Furnace Grade. The prices of Items 12 and 22 shall not exceed the prices of Basic Open Hearth and Blast Furnace Grades respectively, unless delivered to the consumer direct from the industrial producer thereof.

* * * * *

(c) *Maximum shipping point prices.*

* * * * *

(4) *Exceptions to the formula for computing shipping point prices.*[1]

* * * * *

(iii) The maximum shipping point price within the Cincinnati basing point for Basic Open Hearth Grades and Items 18, 19 and 20 shall be the Cincinnati basing point price minus 80 cents per gross ton.

(iv) The maximum shipping point price for No. 1 heavy melting steel (with Sparrows Point differentials for the other grades) at all shipping points within the Boston, Mass., switching district shall be $15.05 per gross ton f. o. b. cars or f. a. s. vessel, or, where delivery to the consumer is solely by motor vehicle, loaded on such vehicle.

(d) *Maximum prices delivered to the plant of a consumer.* Scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer. In no case shall any charge or cost incurred in placing the scrap at the shipping point or any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling, be included in the maximum delivered price.

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail, or vessel, or combination of rail and vessel,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed.

Where transportation from shipping point to point of delivery includes water movement, if no established rate exists for such water movement, then the actual charge or cost incurred in such movement may be used in computing the maximum delivered price.

Where transportation to the point of delivery includes water movement, no established charges at the dock, or any charge or cost customarily incurred at the dock, may be included in the delivered price. In lieu thereof, 75 cents per gross ton may be included in the maximum delivered price: *Provided, however,* That this maximum allowance shall be 50 cents per gross ton at Memphis, Tenn., $1.00 per gross ton at Great Lakes ports, and $1.25 per gross ton at New England ports. Such allowances must be shown as a separate item on the invoice.

(2) *Where transportation from shipping point to point of delivery is solely by motor vehicle.* (i) Where transportation is by *public carrier,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established public carrier charge for transporting the scrap by motor vehicle from the shipping point to the point of delivery.

(ii) Where transportation is by *other than public carrier,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the charge for transporting the scrap at the established rail carload rate for the lowest minimum weight from the rail siding nearest the shipping point to the rail siding nearest the point of delivery: *Provided, however,* That this charge need never fall below $1.00 per gross ton.

(3) *In no case, however, shall the delivered price exceed by more than one dollar the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, with the following exceptions:*

(Exceptions 1–8 follow.)

* * * * *

(e) *Unprepared scrap.* The maximum prices established hereinabove are maximum prices for prepared scrap. The term "unprepared scrap" shall have its customary trade meaning and shall not include such demolition projects as bridges, box cars or graveyard automobiles, which must be so priced that the prepared scrap will deliver to the consumer within the maximum delivered price established hereinabove.

For unprepared scrap, maximum prices shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap. In no case, however, shall Electric Furnace and Foundry grades, listed in paragraph (a) above be used as the "corresponding grade or grades of prepared scrap."

Except as otherwise provided hereunder, where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (c) of this section, until after such preparation has been completed. Where a consumer purchases unprepared *remote* scrap in rail carload lots, if no adequate facilities for preparation exist at or near the shipping point, the consumer may designate a dealer or dealers to prepare such scrap for its use at a maximum preparation fee of $2.50 per gross ton. In such cases the maximum delivered price shall be the shipping point price for unprepared scrap at the remote shipping point plus all-rail transportation charges to the point of delivery at the dealer's yard plus a $2.50 per gross ton preparation fee plus transportation charges from the dealer's yard to the point of delivery after the scrap has been loaded on the delivering carrier. Interim loading, unloading and similar charges may not be absorbed by the consumer. The maximum delivered price of such scrap shall not exceed by more than $5.00 the price at the basing point nearest the consumer's plant except upon prior approval of the Office of Price Administration as provided in Exception 3 in paragraph (d) of this section. Every purchase of scrap on this preparation fee basis shall likewise be subject to all the filing and other requirements in Exception 3 of paragraph (d) of this section.

At no time shall ownership of such scrap reside in the dealer to whom the preparation fee is paid.

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§ 1304.14 *Appendix B; maximum prices for iron and steel scrap originating from railroads—*

* * * * *

(c) *Maximum prices for scrap which cannot be identified as to origin, scrap originating from mines, logging roads, and similar sources, and scrap originating from railroads who do not, within two weeks after the issuance of this schedule, file average price information with the Office of Price Administration.*

* * * * *

(1) In the case of scrap rails, scrap rails 3 feet and under, scrap rails 2 feet and under, scrap rails 18 inches and under, and rails for rerolling, the shipping point price shall be computed by application of the provisions of paragraphs (b) and (c) of Appendix A to the prices at the most favorable basing point in Appendix B. In no case need this shipping point price fall below $14.00 for scrap rails, $16.00 for scrap rails 3 feet and under, $16.25 for scrap rails 2 feet and under, $16.50 for scrap rails 18 inches and under, and $15.50 per gross ton for rails for rerolling. The maximum delivered price shall be the shipping point price thus obtained plus transportation charges from the shipping point to the point of delivery.

((2) follows.)

* * * * *

§ 1304.15 *Appendix C;, maximum price for cast iron scrap other than railroad scrap.* (All the prices given below are per gross ton.)

* * * * *

(b) *Maximum price delivered to a consumer.* Scrap is at its point of delivery to a consumer when it has arrived for unloading at the plant of the consumer. In no case shall any charge or cost incurred in placing the scrap at the shipping point or any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling, be included in the maximum delivered price.

The maximum price at which any grade of cast iron scrap may be delivered to a consumer shall be:

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail or vessel, or combination of rail and vessel,* the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed. Where transportation to the point of delivery includes water movement, and tariffs establishing charges at the dock are published, charges incurred at the dock, but not to exceed the published tariffs, may be included in the delivered price. Where no such tariffs are published, actual charges incurred at the dock but not to exceed 75 cents per gross ton, may be included in the delivered price. In either case such charges must be shown as a separate item on the invoice.

(2) *Where transportation from shipping point to point of delivery is solely by motor vehicle.* (i) Where transportation is by *public carrier,* the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the established public carrier charge for transporting the scrap by motor vehicle from the shipping point to the point of delivery.

(ii) Where transportation is by *other than public carrier,* the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the charge for transporting the scrap at the established rail carload rate for the lowest minimum weight, from the rail siding nearest the shipping point to the rail siding nearest the point of delivery, provided however that this charge need never fall below $1.00 per gross ton.

(iii) Where shipment of the scrap to the consumer is solely by motor vehicle, the delivered price shall not exceed the shipping point price unless the consumer shall receive a certificate made out to the Office of Price Administration, Washington, D. C., and signed by the person from whose yard or point of accumulation the scrap was placed at its shipping point and by the person by whom or on behalf of whom the scrap was transported from shipping point to point of delivery. Such certificate shall, among other things, specify the quantity and grade of the scrap, the shipping point, the point of delivery, and the transportation charges from shipping point to point of delivery. The consumer shall acknowledge receipt of the material on the face of the certificate. Certification must be executed on the Office of Price Administration's Form 104:15 (or a copy thereof). Such forms may be secured from the Office of Price Administration, Washington, D. C., or from any Regional Office.

The above mentioned certificate, shall be preserved by the consumer as part of the record-keeping requirements outlined in § 1304.8. A copy shall likewise be preserved by all persons signing the certificate.

* * * * *

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 14 shall become effective February 9, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1203; Filed, February 9, 1942; 4:41 p. m.]

PART 1306—IRON AND STEEL

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

Section 1306.13 is amended by adding the following as set forth below:

§ 1306.13 *Appendix D; export base prices of United States Export Company for principal products, F. A. S. principal ports, in effect on April 16, 1941.*

* * * * *

PER 100 POUNDS

Products	Boston, New York, Philadelphia, Baltimore, Norfolk	Charleston, Savannah, New Orleans, Mobile	Galveston, Houston	San Francisco, Seattle, Portland, Los Angeles (San Pedro)
Hot rolled sheets, 24 B. G. plain bundles (includes 90 cents for gage)	$3.25	$3.25	$3.37½	$3.65
10 U. S. G. plain bundles	2.35	2.35	2.47½	2.75
Cold rolled sheets, 17 U. S. G. in 2-ton metal crates (includes 15 cents for packing)	3.40	3.60	3.68	3.80
Galvanized sheets, 24 B. G. in plain bundles	3.90	3.90	4.02½	4.30
Hot rolled strip	2.40	2.60	2.68	2.80
Cold rolled strip	3.10	3.30	3.38	3.60
	Percent			
American standard pipe, black, T. & C. 1" to 3"	67	65	64.2	63
American standard pipe, galvanized, T. & C. 1" to 3"	56.2	54.2	53.4	52.2
American extra strong pipe, black, plain ends, 1" to 3"	65.5	63.5	62.7	61.5
American extra strong pipe, galvanized, plain ends, 1" to 3"	55.7	53.7	52.9	51.7
American double extra strong pipe, black, plain ends, 2" to 2½"	53.8	51.8	51.0	49.8
American double extra strong pipe, galvanized, plain ends, 2" to 2½"	43	41	40.2	39
English gas tubes, black, T. & C. ⅜" to 6"	[1] 67 [2] 65	[1] 65¼ [2] 63¼	[1] 64.5 [2] 62.5	[1] 63.5 [2] 61.5
English gas tubes, galvanized, T. & C. ⅜" to 6"	[1] 59 [2] 57	[1] 57¼ [2] 55¼	[1] 56.5 [2] 54.5	[1] 55.5 [2] 53.5
English steam tubes, painted, T. & C. ⅜" to 6"	[1] 62 [2] 57	[1] 60¼ [2] 55¼	[1] 59¼ [2] 54½	[1] 58.5 [2] 53.5
English steam tubes, galvanized, T. & C. ⅜" to 6"	[1] 50 [2] 49	[1] 48¼ [2] 47¼	[1] 47½ [2] 46½	[1] 46.5 [2] 45.5

DISCOUNTS:
American standard pipe—off American list No. 6.
English gas tubes—off English list No. 3, converted 2 cents to the penny.

[1] South American markets.
[2] Other markets.

(E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 3 shall become effective February 9, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1204; Filed, February 9, 1942; 4:41 p. m.]

[1] 6 F.R. 2004, 3061, 7 F.R. 785.

PART 1306—IRON AND STEEL

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 41 [1]—STEEL CASTINGS

Section 1306.112 (b) is hereby amended as set forth below:

§ 1306.112 *Appendix A.*

* * * * *

[1] 6 F.R. 5809, 7 F.R. 751.

(b) *Maximum prices for other steel castings.* The maximum price of a producer for a steel casting of any description whatever made by such producer on or after February 5, 1942, and for which steel casting, or a steel casting substantially similar in design and specification, such producer has not filed a price with the Office of Price Administration, in accordance with § 1306.104, (1) shall be the price, together with the extras, terms and conditions, listed in the Comprehensive Report under the head of "Schedule Reference" for steel castings of the same design and specification, or substantially similar design and specification, or (2), if substantially different in design or specification from any steel casting listed in the Comprehensive Report, shall be the price for such producer which is approved in writing by the Office of Price Administration within six days after Form 141:4 for such steel casting is received by the Office of Price Administration pursuant to § 1306.102 of this Schedule: *Provided,* That if said selling price is neither approved or disapproved within six days from the date of receipt of Form 141:4 by the Office of Price Administration, the proposed selling price shall be deemed approved for such producer. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 9, 1942. Issued this 9th day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1199; Filed, February 9, 1942; 4:40 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 94—WESTERN PINE LUMBER

Section 1312.261 is amended by deleting therefrom the tables captioned "Dimension" and "Drainboard Stock".

Section 1312.262 is amended by inserting therein the following tables immediately after the table entitled "Differentials for Widths" and immediately before the table entitled "Other Differentials, All Grades":

§ 1312.262 *Appendix C; maximum prices for sugar pine lumber.*

* * * * *

DIMENSIONS

RL; S1S1E HAM 19/16" x Standard Widths or S4S HAM 1½" x Standard Widths Scaled at 2"	2 x 4"	2 x 6"	2 x 8'	2 x 10'	2 x 12"
No. 1 Dimension	$23.00	$27.00	$26.50	$27.00	$27.00
No. 2 Dimension	25.00	24.00	24.00	24.00	24.00
No. 3 Dimension	18.50	17.50	17.50	17.50	17.50

Specified Lengths:		
14' and under 14'	Add	1.00 to RL.
10'	Add	.50 to RL.
18' and 20'	Add	2.00 to RL.
For Rough	Deduct	1.00.
For 1⅝" Dimension	Add	1/6 to 19/16" prices.
For 1¼" Dimension	Add	1/4 to 1⅝" prices.

DRAINBOARDS

5/4 & 6/4, S2S, 1 & 2 Clear Selected:	
20" & Wider RW, RL	$125.00
22" & Wider SW, RL	135.00
For Rough, Deduct $3.00.	

* * * * *

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 15, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1201; Filed, February 9, 1942; 4:40 p. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 6 TO PRICE SCHEDULE NO. 35—CARDED GREY AND COLORED-YARN COTTON GOODS

Section 1316.56 is hereby deleted.

Paragraph (b) of § 1316.51 is hereby amended to read as follows:

§ 1316.51 *Maximum prices for cotton goods.*

* * * * *

(b) Except as may be expressly provided elsewhere herein, the provisions of this Schedule are not applicable to sales or deliveries of cotton goods made by any wholesaler, jobber, or retailer in the performance of a recognized distributive function: *Provided,* That sales and deliveries of cotton goods (1) to a converter or finisher, or (2) by the manufacturer thereof or by any agent of such manufacturer shall not be made at prices higher than the established maximum prices.

Subparagraph (4) of paragraph (b) of § 1316.61 is hereby amended in the following respects:

Table II of said subparagraph is amended by deleting the first four price columns (i. e., those headed 14.24 to 14.67, incl.; 14.68 to 15.11, incl.; 15.12 to 15.54, incl.; and 15.55 to 15.98, incl.); and by amending the maximum prices for Carded Poplins to read as follows;

Table II–A of said subparagraph is amended to read as follows;

Table III of said subparagraph is amended by deleting the first four price columns (i. e., those headed 14.24 to 14.67, incl.; 14.68 to 15.11, incl.; 15.12 to 15.54, incl.; and 15.55 to 15.98, incl.);

Table IV of said subparagraph is amended by deleting the first four price columns (i. e., those headed 14.15 to 14.60, incl.; 14.61 to 15.06, incl.; 15.07 to 15.52, incl.; and 15.53 to 15.98, incl.);

Table V of said subparagraph is amended by deleting the first four price columns (i. e., those headed 14.31 to 14.72, 14.73 to 15.14, 15.15 to 15.56, and 15.57 to 15.98).

TABLE II—PRINT CLOTH YARN GROUP

[Spot cotton price—Cents per pound]

Type and class of cloth	15.99 to 16.42 incl.	16.43 to 16.85 incl.	16.86 to 17.29 incl.	17.30 to 17.73 incl.	17.74 to 18.17 incl.	18.18 to 18.60 incl.	18.61 to 19.04 incl.	19.05 to 19.48 incl.	19.49 to 19.91 incl.	19.92 to 20.35 incl.
	Cents per pound [1]									
CARDED POPLINS										
Class A:										
1	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50
2	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50
3	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50
Class B:										
1	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50
2	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50
3	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50
Class C:										
1	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50
2	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50
3	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50
Class D:										
1	50.00	50.50	51.00	51.50	52.00	52.50	53.00	53.50	54.00	54.50
2	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50
3	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50

[1] For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by five percent.

TABLE II-A—KEY TO TYPES AND CLASSES OF CLOTH IN TABLE II

[All numbers inclusive]

Type and class of cloth (including all widths under 42")	Yarn numbers			Thread count per inch			Yards per pound (Poplins based on square yard; Piques and Three-leaf Twills based on actual width)
	Warp	Filling	Average	Total	Warp	Filling	
PRINT CLOTH							
Class A	28s-32s	36s-45s	33s or over	160-100			
Class B	28s-32s	36s-45s	33s or over	99-72			
Class C	28s-32s	36s-45s	33s or over	71 or less			
CARDED BROADCLOTH							
Class A	28s or over			166 or less			
Class B	28s or over			167-174			
Class C	34s or over			175-189			
Class D	39s or over			190-200			
PAJAMA CHECKS							
Class A				160 or more			
Class B				159 or less			
CARDED POPLINS							
Class A	25s-33⅓s				76-108	34-52	
1							3.50 or over.
2							3.49-3.01.
3							3.00 or less.
Class B	25s-33⅓s				109 or over	34-52	
1							3.50 or over.
2							3.49-3.01.
3							3.00 or less.
Class C	34s or over				76-108	34-52	
1							3.50 or over.
2							3.49-3.01.
3							3.00 or less.
Class D	34s or over				109 or over	34-52	
1							3.50 or over.
2							3.49-3.01.
3							3.00 or less.
CARDED PIQUES							
Class A	29s-31⅓s			152-176			3.70 or over.
Class B	29s-31⅓s			177-199			3.40-3.69.
Class C	29s-31⅓s			200-210			3.00-3.39.
THREE-LEAF TWILLS							
Class A				140-151			2.45-2.89.
Class B				132-152			2.90-3.89.
Class C				140-148			3.90-4.10.
Class D				140-148			4.11-4.39.
Class E				124-147			4.40-5.20.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment shall become effective February 10, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1202; Filed, February 9, 1942; 4:41 p. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 104—VITAMIN C

Progress during recent years in biochemical research has led to the isolation of vitamin C, also known as ascorbic acid. This vitamin is indispensable to the development of sound bony structure in humans. Although it is found in fresh fruits and raw vegetables, vitamin C which is used in therapy is mainly a synthetic product.

Wider use of vitamin therapy, coupled with the scarcity of fresh fruits and raw vegetables in some foreign countries, has stimulated a sharply increased domestic and foreign demand for vitamin C produced in this country. This pressure has led to speculation by resellers to such an extent that a number of transactions have been made at prices approximately double the prices quoted by producers. This speculation has taken place and threatens to lead to even higher prices in the resale market, in spite of a distinct downward trend in producers' prices.

After conferences with producers, resellers, and exporters of vitamin C, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of $1.65 per ounce, or for resellers charging more than $2.15 per ounce, for sales of large quantities. Increases above those prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.901 *Maximum prices for vitamin C.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer vitamin C in quantities of one ounce or more, and no person shall buy, offer to buy or accept delivery of vitamin C in quantities of one ounce or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.909.*

*§§ 1335.901 to 1335.909, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.902 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.903 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of vitamin C or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of vitamin C, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.904 *Records and reports.* Every person making purchases or sales of vitamin C in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers, of the vitamin C purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.905 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of vitamin C, or

of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.906 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.907 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Vitamin C" means ascorbic acid, U. S. P.

(c) "Producer" means a person who manufactures vitamin C.

(d) "Primary jobber" means a person who buys vitamin C from producers for resale purposes.

(e) "Reseller" means a person who buys vitamin C from other than producers for resale.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.908 *Effective date of the Schedule.* This Schedule shall become effective February 16, 1942.*

§ 1335.909 *Appendix A; maximum prices for vitamin C*—(a) *Sales by producers and primary jobbers.* (1) The maximum prices for sales of vitamin C by producers or primary jobbers are established as follows:

Quantity in ounces:	Price per ounce
1,000 or more	$1.65
500 up to 1,000	1.66
100 up to 500	1.67
50 up to 100	1.69
25 up to 50	1.72
5 up to 25	1.77
1 up to 5	1.85

(2) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz.: Philadelphia, Pennsylvania; St. Louis, Missouri; Chicago, Illinois; Rahway and Nutley, New Jersey; and New York, New York. The maximum prices which a purchaser may pay for vitamin C delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination over standard routes from that city named above from which the transportation rate to destination is least.

(b) *Sales by resellers.* The maximum prices for sales of vitamin C by resellers are established as follows, f. o. b. reseller's shipping point.

Quantity in ounces:	Price per ounce
1,000 or more	$2.15
500 to 1,000	2.16
100 to 500	2.17
50 to 100	2.20
25 to 50	2.24
5 to 25	2.30
1 to 5	2.41

(c) *Export sales and sales to persons in territories and possessions of the United States.* The following maximum prices are established for export sales of vitamin C to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (a) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 per cent of the applicable maximum price.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, plus 40 per cent of the applicable maximum price, f. a. s. vessel at the port of shipment.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 per cent of the applicable maximum price.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (a) ocean or overland freight (b) marine and war risk insurance, and (c) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established by this Schedule.*

Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1208; Filed, February 9, 1942; 4:43 p. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 103—SALICYLIC ACID

Salicylic acid is chiefly used in the production of aspirin and other internal and external medicinals, in making chrome and khaki dyes, and in vulcanizing natural rubber. The acid is itself made from phenol, which is under allocation by the War Production Board on account of its importance in the production of plastics and explosives. As a result, present and future supplies of salicylic acid are distinctly limited by the amount of phenol which can be spared for its production.

At the same time, increased demand for aspirin and khaki dye, coupled with anticipated increased demand for the acid in rubber vulcanization, has led to speculation on the resale market at prices nearly triple the manufacturers' prices for comparable grades and quantities. These forces threaten further upward pressure on the price of salicylic acid.

After conferences with producers, resellers, and exporters of salicylic acid, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of 35 cents per pound, or for resellers charging prices in excess of 46 cents per pound, for U. S. P. salicylic acid in 100 to 150 pound barrels. Increases above these prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.951 *Maximum prices for salicylic acid.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer salicylic acid in quantities of one pound or more, and no person shall buy, offer to buy, or accept delivery of salicylic acid in quantities of one pound or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.959.*

*§§ 1335.951 to 1335.959, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.952 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1335.953 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of salicylic acid or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of salicylic acid, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.954 *Records and reports.* Every person making purchases or sales of salicylic acid in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity including the kind and size of the containers, of the salicylic acid purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.955 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limita-

tions or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of salicylic acid, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.956 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.957 *Definitions.* When used in this Schedule, the term:

(a) "Person" means individual, partnership, association, corporation, or other business entity.

(b) "Salicylic acid" includes the grades of ortho-hydroxybenzoic acid referred to in Appendix A, incorporated herein as § 1335.959.

(c) "Producer" means every person who manufactures salicylic acid.

(d) "Primary jobber" means every person who buys salicylic acid from producers for resale purposes.

(e) "Reseller" means every person who buys salicylic acid from other than producers for resale.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.958 *Effective date of the Schedule.* This schedule shall become effective February 16, 1942.*

§ 1335.959 *Appendix A; maximum prices for salicylic acid.* The following maximum prices are established for salicylic acid:

(a) *Sales by producers and primary jobbers.* (1) The maximum prices for sales of salicylic acid by producers or primary jobbers are established as follows:

Quantity	U. S. P., per pound	Technical, per pound
Carlot	$0.28	$0.26
100 pounds or more in barrels	.35	.33
50 pounds or more in 50-pound drums	.37	.35
100 pounds or more in 25-pound drums	.36	.34
50 to 100 pound in 25-pound drums	.37	.35
25 to 50 pounds in 25-pound drums	.38	.36
5 pounds or more in 5-pound drums	.44	.42
1 pound or more in 1-pound cartons	.46	.44

(2) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz: New York City, New York; Philadelphia, Pennsylvania; Chicago, Illinois; and St. Louis, Missouri. The maximum prices which a purchaser may pay for salicylic acid delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination from that city named above from which the transportation rate to destination is least.

(b) *Sales by resellers.* The maximum prices for sales of salicylic acid are established as follows, f. o. b. reseller's shipping point.

Quantity	U. S. P., per pound	Technical, per pound
Carlot	$0.36	$0.34
100 pounds or more in barrels	.46	.43
50 pounds or more in 50-pound drums	.48	.46
100 pounds or more in 25-pound drums	.47	.44
50 to 100 pounds in 25-pound drums	.48	.46
25 to 50 pounds in 25-pound drums	.49	.47
5 pounds or more in 5-pound cartons	.57	.55
1 pound or more in 1-pound cartons	.60	.57

(c) *Export sales and sales to persons in Territories and possessions of the United States.* The following maximum prices are established for export sales of salicylic acid to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 percent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (a) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 percent.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 40 percent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 percent of the applicable maximum price.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (i) ocean or overland freight, (ii) marine and war risk insurance, and (iii) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established by this Schedule.*

Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1207; Filed, February 9, 1942; 4:43 p. m.]

PART 1340—FUEL

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 88—PETROLEUM AND PETROLEUM PRODUCTS

The preamble, § 1340.157 (b), § 1340.157, and § 1340.159 (c) are amended by the addition of the provisions set forth below.

Asphalt and asphalt products are sold principally on the basis of long-term contracts. In 1941 these contracts were agreed upon at low price levels, but by the end of 1941 it became apparent that contracts for 1942 were being negotiated at considerably higher prices. In order to prevent inflationary increases in the prices of asphalt and asphalt products, this amendment is being issued.

§ 1340.157 *Definitions.*

* * * * * *

(b) "Petroleum products" means:

* * * * * *

Paving and cut-back asphalts, asphalt emulsions, road oils, roofing asphalt and roofing flux

* * * * *

Asphalts and asphalt products not listed above are not for the time being included in the term "petroleum products" as defined above.

* * * * *

(k) "Roofing flux" means the basic grade of soft asphalt (85–100 penetration

or softer) which is used in the roofing industry for blowing or oxidizing into other saturants and coatings or as a saturant without further processing.

(l) "Roofing asphalt" means those grades of asphalt which have been oxidized or blown to harder penetrations than roofing flux.

(m) "Paving asphalt" means asphalt specially processed for use as a binder with certain aggregates for the purpose of forming a hard surface by means of hot application.

(n) "Cut-back asphalt" means asphalt manufactured by blending light petroleum distillates with asphalt for the purpose of forming a hard surface.

(o) "Asphalt emulsions" means a suspension of liquid asphalt in water with an emulsifying agent, prepared for the purpose of forming a hard surface by cold application.

(p) "Road oils" means residual oils obtained from asphaltic petroleum by distilling off the more volatile constituents; they range in consistency from liquid petroleum in crude form to viscous asphalt.

(q) "Asphalt" means petroleum asphalt as distinguished from natural asphalt.

§ 1340.159 *Appendix A; maximum prices for petroleum and petroleum products.*

* * * * *

(c) *Specific prices.*

* * * * *

(5) *Paving and cut-back asphalts, asphalt emulsions, road oils, roofing asphalt and roofing flux.*

Maximum prices for roofing flux f. o. b. refinery

	Price per ton
For refineries within 100 miles of the Atlantic coastline	$12.25
For refineries in Chicago, Ill., and within a 50 mile radius of the corporate limits of Chicago, Ill	10.00
For refineries in St. Louis, Mo., and within a radius of 50 miles of the corporate limits of St. Louis, Mo	8.25
For refineries in Ohio and within 50 miles south of the southern boundary of Ohio	11.75
For refineries in Kansas City, Mo., and within a radius of 50 miles of the corporate limits of Kansas City, Mo.	10.00
For refineries within 150 miles of the coastline of the Gulf of Mexico	11.10
For refineries in California, Washington, Oregon, Nevada, and Idaho on shipments to destinations in those States	7.25

For delivery to destinations other than in California, Washington, Oregon, Nevada and Idaho the maximum price for each refinery not located in the areas described above shall be not in excess of 75 cents per ton above the highest f. o. b. refinery price applicable to deliveries from such refinery to the given destination during January 1941 on contracts effective during that month.

Roofing asphalt. The maximum prices for each seller of roofing asphalt shall be at no greater differential over the maximum prices determined above for roofing flux than the differentials which were in effect on January 1, 1941.

Paving asphalt, cut-back asphalt, asphalt emulsions and road oils. Maximum prices for paving asphalt, cut-back asphalt, asphalt emulsions and road oils for shipment to a given destination shall be no higher than the weighted average of the prices provided in the three contracts of sale (or sales if not preceded or accompanied by contracts of sale), governing the largest volume made between July 1, 1941, and October 15, 1941, for a product of like specifications and quality shipped to the same destination.

Should there have been only two such contracts of sale or sales of paving asphalt, cut-back asphalt, asphalt emulsions and road oils for shipment to a given destination during this period, the maximum price for any such subject shall be the average of the two sales of such product to the given destination. Should there have been only one sale of a given product for shipment to a given destination, the price on such sale shall be the maximum price for shipment of a given product to the given destination.

Where a person wishes to make a sale to a particular destination and the maximum price cannot be determined upon the basis of the preceding two paragraphs, the maximum price shall be the price of the last contract made prior to October 15, 1941, but not before July 1, 1941, pursuant to open or public bidding, for shipment to that destination of a product of substantially the same quality.

When a person wishes to make a sale to a particular destination and the maximum price cannot be determined upon the basis of the preceding three paragraphs, the maximum price shall be computed upon the basis of the preceding three paragraphs, as if the sale were made for delivery to the destination nearest to the particular destination involved (nearest in terms of freight cost to the seller) and appropriate adjustments to reflect difference in freight costs to the seller shall be made.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 3 shall become effective as of February 10, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1209; Filed, February 9, 1942; 5:17 p. m.]

PART 1346—BUILDING MATERIALS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 45[1]—ASPHALT OR TARRED ROOFING PRODUCTS

A new paragraph (c) is added to § 1346.60 as set forth below:

§ 1346.60 *Appendix B; maximum prices for asphalt and tarred roofing products.*

* * * * *

(c) *Exception.* In sales where the destination of the shipment is Hawaii or Alaska, the seller may quote and charge an f. a. s. price, although his only sales on July 2, 1941, were or would have been on a c. i. f. basis: *Provided,* That such f. a. s. price shall not be higher than the seller's f. a. s. price would have been on July 2, 1941 in the case of sales to Hawaii, or on August 1, 1941 in the case of sales to Alaska. (E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 10, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1205; Filed, February 9, 1942; 4:41 p. m.]

[1] 6 F.R. 6145, 7 F.R. 124.

PART 1362—CERAMIC PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 75—DEAD-BURNED GRAIN MAGNESITE

A new paragraph (d) is added to section 1362.1 as set forth below:

§ 1362.1 *Maximum prices for maintenance grades of dead-burned magnesite.*

* * * * *

(d) The following exception to the maximum price set forth above has been granted: In sales by the Westvaco Chlorine Products Corporation from its Patterson plant to its regular customers located in California, the maximum price shall be $32.00 a ton f. o. b. Chewelah, Washington. Additions for delivered prices and sales in bags or sacks shall be the same as set forth above. This exception is subject to the terms and conditions contained in a letter from the Office of Price Administration to said company, dated February 9, 1942. (E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 9, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1200; Filed, February 9, 1942; 4:40 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 95—NYLON HOSE

Section 1401.1, § 1401.3 and paragraph (c) of § 1401.8 are hereby amended; and § 1401.10 is hereby added to read as follows:

§ 1401.1 *Maximum prices for nylon hose.* (a) On or after February 10, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer nylon hose and no person shall buy, offer to buy, or accept delivery of nylon hose, at prices higher than the maximum prices set forth in Appendix A: *Provided,* That contracts entered into prior to February 10, 1942, at prices in compliance with this Schedule (§§ 1401.1 to 1401.9, inclusive) may be carried out at the contract price.

(b) The provisions of this Schedule (§§ 1401.1 to 1401.10, inclusive) are not applicable to sales at retail.

§ 1401.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of nylon hose, alone or in conjunction with any other material or commodity, or by way of any premium, commission, service, transportation, or other charge, or by tying-agreement or other trade understanding or practice involving a related sale or allotment of other types of hosiery or any other commodity, or by making the discounts given or other terms or conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941, or by any other means.

§ 1401.8 *Definitions.*

* * * * *

(c) "Nylon hose" means women's hosiery of the types, styles and constructions set forth in Table I of Appendix A.

§ 1401.10 *Appendix A, maximum prices for nylon hose.* (a) The prices set forth in Table I are maximum prices applicable to sales of nylon hose by manufacturers. Maximum prices applicable to sales of nylon hose by wholesalers or jobbers shall be the prices set forth in Table I increased by ten percent. They are prices f. o. b. the seller's point of shipment and are gross prices, before discounts of any nature are deducted, and include all commissions.

TABLE I

Style	Construction		Type	
	Gauge	Denier	All nylon	Nylon leg
			Dollars per dozen	*Dollars per dozen*
Full Fashioned [2]	48 and lower	30 or 40	13.00	12.00
	51	30 or 40	14.00	13.00
	51 and 54	15 or 20	16.50	15.50
	Needles			
Circular Knit [3]	Under 360	30 or 40	11.50	10.50
	360 and higher	30 or 40	12.50	11.50
	400 only	15 or 20	13.50	12.50

[1] For irregulars the above maximum prices shall be discounted by not less than 10 percent. For seconds, the above maximum prices shall be discounted by not less than 25 percent.
[2] In addition to the above maximum prices, a premium of $2.00 per dozen may be charged for full fashioned mesh, lace or non-run hose.
[3] In addition to the above maximum prices, a premium of $1.00 per dozen may be charged for circular knit mesh, lace, or non-run hose.

(E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment shall become effective February 10, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1206; Filed, February 9, 1942; 4:42 p. m.]

PART 1355—LEAD

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 69—PRIMARY LEAD

The headnotes of 1355.9 (b) (i), (b) (ii), and (b) (iv) are amended and 1355.9 (b) (iii) is amended to read as set forth below:

§ 1355.9 *Appendix A; maximum prices for primary lead.*

* * * * *

(b) *Sold and shipped, delivered, or carried away in less than carload lots.*

* * * * *

(1) *Sales of primary lead by the producer of the lead sold.*

* * * * *

(2) *Sales by all other persons except plumbing supply houses.*

* * * * *

(3) *Sales by plumbing supply houses.* No plumbing supply house shall sell, offer to sell, deliver or transfer primary lead at prices in excess of the carload maximum prices established in paragraph (a) of this Section plus an amount not to exceed the difference between (i) the highest price received by such supply house in a sale on October 1, 1941, or on the last date previous thereto on which such a sale took place, of a quantity similar to that presently being sold on the same grade of lead and (ii) the price paid by such supply house for such lead in the last purchase prior to such sale.

(4) *Terms of sale.*

* * * * *

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 10, 1942. Issued this 10th day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1237; Filed, February 10, 1942; 12:07 p. m.]

PART 1355—LEAD

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 70—LEAD SCRAP MATERIALS; SECONDARY LEAD, INCLUDING CALKING LEAD; BATTERY LEAD SCRAP; AND PRIMARY AND SECONDARY ANTIMONIAL LEAD

Section 1355.65 is hereby amended by rewriting the headnote preceding the table in paragraph (a) (2) (ii) and by rewriting subdivision (a) (2) (iii) to read as set fort' below:

§ 1355.65 *Appendix B; maximum prices for secondary lead, including calking lead*—(a) *Maximum prices.*

* * * * *

(2) *Sold and shipped, delivered, or carried away in less than carload lots.*

* * * * *

(ii) *Sales by all other persons except plumbing supply houses.*

* * * * *

(iii) *Sales by plumbing supply houses.* No plumbing supply house shall sell, offer to sell, deliver, or transfer primary lead at prices in excess of the carload maximum prices established in paragraph (a) (1) of this Section plus an amount not to exceed the difference between (*a*) the highest price received by such supply house in a sale on October 1, 1941, or on the last date previous thereto on which such a sale took place, of a quantity similar to that presently being sold of the same grade of lead and (*b*) the price paid by such supply house for such lead in the last purchase prior to such sale. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 10, 1942. Issued this 10th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1236; Filed, February 10, 1942; 12:06 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 1 TO RATIONING ORDER NO. 2—NEW PASSENGER AUTOMOBILES

Section 1360.105 is amended by adding a new paragraph (b):

§ 1360.105 *Reports.*

* * * * *

(b) Every person engaged in the business of selling, distributing, manufacturing, or financing new passenger automobiles must report to the Office of Price Administration, Automobile Inventory Unit, New York City, N. Y., with respect to all new passenger automobiles in his physical possession or custody. Such persons shall report all 1942 model passenger automobiles, irrespective of number of miles driven, and all other passenger automobiles which have been driven less than one thousand miles. Reports shall be made on OPA forms, completely filled out as therein required, as follows:

(1) Dealers, distributors, and finance companies shall file OPA Form R-204 with respect to all such automobiles in their physical possession or custody as of close of business, February 11, 1942, which were shipped to dealers or distributors prior to January 16, 1942. Form R-204 is to be filed on or after February 12, 1942 and before any vehicles then in physical possession or custody are released for sale or transferred, and in any case not later than February 19, 1942.

(2) Manufacturers shall file OPA Form R-205 with respect to all such automobiles in their physical possession or custody as of close of business, February 11, 1942 (excepting those automobiles to be reported on OPA Form R-207, referred to below). Form R-205 is to be filed on

or after February 12, 1942 and before any vehicles in physical possession or custody are released to dealers or distributors, and in any case not later than February 19, 1942.

(3) Dealers, distributors and finance companies shall file OPA Form R–206 with respect to all such automobiles in their physical possession or custody as of close of business, February 28, 1942, which were shipped to them on or after January 16, 1942 (known as vehicles with pool stickers affixed). Form R–206 is to be filed on or after March 1, 1942, and before any vehicles then in physical possession or custody are released for sale or transfer and in any case not later than March 8, 1942.

(4) Manufacturers shall file OPA Form R–207 with respect to all automobiles in their physical possession or custody or which are in transit to dealers or distributors as of close of business, February 28, 1942, and which had not been shipped to dealers prior to January 16, 1942 (known as vehicles with pool stickers affixed). Form R–207 is to be filed on or after March 1, 1942 and before any vehicles in physical possession or custody are released for sale or shipment and in any case not later than March 8, 1942. (E.O. Nos. 8734, 8875; 6 F.R. 917, 4483; W.P.B. Dir. No. 1, Sup. Dir. No. 1a, 7 F.R. 562, 698)

This Amendment No. 1 shall become effective February 11, 1942. Issued this tenth day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1235; Filed, February 10, 1942; 12:06 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 8—SHIP SERVICE

Correction

Attention is directed to the following errors which appeared in the Friday, February 6, 1942 issue of the FEDERAL REGISTER on page 797:

"§ 8.222 (d) (5)" should read "§ 8.222 (c) (5)", (*Radio log during hours of service*).

Footnote numbered 70 to the above-entitled section, as amended, should read as follows:

[70] For example, 8:01 P. M. Eastern Standard Time would be entered as 0001 GMT; 8:30 A. M. Eastern Standard Time would be entered as 1230 GMT; 7:45 P. M. Eastern Standard Time would be entered as 2345 GMT.

Footnote numbered 71 to § 8.222 (d) (6) remains as originally promulgated.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–1213; Filed, February 10, 1942; 11:25 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1251]

PETITION OF DISTRICT BOARD NO. 11 FOR A CHANGE IN SHIPPING POINTS OF THE GOLDEN GLOW MINE (MINE INDEX NO. 895) OF THE BI-COUNTY COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 11, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, alleging that price classifications and minimum prices have been established for the coals of the Golden Glow Mine (Mine Index No. 895) of Bi-County Coal Company, Inc., a code member in District No. 11, for rail shipments on the Illinois Central Railroad from Dugger, Indiana, and that Freight Origin Group No. 62 has been assigned to this mine for such shipments; and that conditions beyond the producer's control have made it necessary to discontinue rail shipments from Dugger, Indiana. Petitioner requests that the price classifications and minimum prices established for the coals produced at the Golden Glow Mine be made applicable to rail shipments from Latta, Indiana, on the Chicago, Milwaukee, St. Paul & Pacific Railroad.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention have been filed with the Division in the above-entitled matter; and

The following action is deemed necessary in order to effectuate the purposes of the Act;

It is, therefore, ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices established for the coals of the Golden Glow Mine (Mine Index No. 895) of the Bi-County Coal Company, Inc., for rail shipments shall be applicable only for shipments from the shipping point and with the Freight Origin Group number appearing in the schedule marked "Supplement," annexed hereto and hereby made a part hereof, and shall no longer be applicable for shipments on the Illinois Central Railroad from Dugger, Indiana.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1216; Filed, February 10, 1942; 11:31 a. m.]

[Docket Nos. A–154, A–273, A–842]

PETITIONS OF L. F. GORDLEY, DISTRICT BOARD NO. 6, AND GUY S. MARTIN (DE SOTO COAL COMPANY)

ORDER DISMISSING PETITIONS

Petitions seeking relief under section 4 II (d) of the Bituminous Coal Act of 1937 were filed with the Division by the above-named parties.

On November 5, 1941, an Order was entered in said dockets requiring the petitioners therein to show cause at a hearing on December 5, 1941, in Washington, D. C., why the several proceedings should not be dismissed, and due notice thereof was given to each petitioner.

No petitioner appeared or offered to show cause at such hearing why such proceedings should not be dismissed, and it appears that no petitioner has any further interest in any of the above-entitled proceedings.

Now, therefore, it is ordered that the above-entitled proceedings, and each of them, be, and they hereby are, dismissed without prejudice, and the proceedings in the said dockets closed.

Dated: February 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1217; Filed, February 10, 1942; 11:31 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

FORM OF NOTICE OF WHEAT REFERENDUM

Notice is hereby given that, in accordance with the Regulations Governing the Holding of Referenda on Marketing Quotas, MQ–650, issued by the Secretary of Agriculture, on October 31, 1941, the Secretary of Agriculture, on January 27, 1942, prescribed the following notice of the referendum of wheat producers to be held on May 2, 1942.

MQ-601-Wheat

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

(Post a copy of this notice at one or more public places within each community at least 10 days in advance of the date of the referendum.

NOTICE

WHEAT MARKETING QUOTA REFERENDUM

In view of the fact that the Secretary of Agriculture of the United States on July 24, 1941, determined and proclaimed, pursuant to the provisions of section 335 of the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, that the total supply of wheat as of the beginning of the marketing year commencing July 1, 1942, will exceed by more than 35 percent a normal year's domestic consumption and exports, a referendum, by secret ballot, of farmers who would be subject to wheat marketing quotas for the 1942 crop year will be held on May 2, 1942, pursuant to section 336 of said act and in accordance with the referendum regulations (MQ-650) prescribed on October 31, 1941, by the Secretary of Agriculture, to determine whether they favor or oppose marketing quotas on the 1942 crop of wheat. Such quotas will be in effect unless more than one-third of the farmers voting in the referendum oppose them.

PLACE FOR BALLOTING

The place for voting in the referendum in the ---------- community will be ----------

TIME

The polls, in accordance with said regulations for holding the referendum, shall be opened promptly at -------- o'clock a. m. and closed promptly at -------- o'clock p. m. on Saturday, May 2, 1942, local time.

ELIGIBILITY TO VOTE

1. Each farmer engaged in the production of wheat for harvest in 1942 on a farm on which the normal production of the acreage planted to wheat of the current crop is 200 bushels or more, and on which the acreage planted to wheat is in excess of fifteen acres, who is entitled to share in the proceeds of the 1942 wheat crop as owner, landlord (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper, shall be eligible to vote.

2. No wheat farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may be engaged in the production of wheat for harvest in 1942 on two or more farms, or in two or more communities, counties, or States.

3. Where a group of several persons, such as husband, wife, and children, are participating in the production of wheat for harvest in 1942 under a lease or cropping agreement, only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote.

4. In the event two or more persons are producing wheat for harvest in 1942, not as members of a partnership but as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote.

5. There shall be no voting by proxy or agent, or in any manner except the eligible voter personally depositing his ballot marked by him in the ballot box, but a duly authorized officer of a corporation, firm, association, or other legal entity or a duly authorized member of a partnership may cast its vote. There shall be no voting by mail except that any eligible farmer who will not be present in the county in which he is engaged in the production of wheat for harvest in 1942 on the day of the referendum may obtain a ballot in the county in which he is then present and cast his ballot by marking it to show clearly how he votes, signing his name, and entering his address thereon, and mailing it (in a sealed envelop, postage paid, marked "Absentee Ballot") to the office of the county committee for the county in which he is eligible to vote in time to reach that office before the polls are closed.

Signatures of members of the County Agricultural Conservation Committee.

Issued ----------, 1942.

Done at Washington, D. C., this 10th day of February 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-1211; Filed, February 10, 1942; 11:09 a. m.]

Surplus Marketing Administration.

ORDER AUTHORIZING THE ADMINISTRATOR OF AGRICULTURAL MARKETING TO PERFORM CERTAIN FUNCTIONS IN CONNECTION WITH MARKETING AGREEMENTS AND ORDERS

Pursuant to the authority vested in the Secretary of Agriculture of the United States of America (hereinafter referred to as the "Secretary") by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. § 601 et seq.), hereinafter referred to as the "act", the Administrator of Agricultural Marketing, United States Department of Agriculture, is hereby authorized to issue, amend, modify, or terminate any volume, grade, or size regulation, and make any finding or determination requisite to the issuance, amendment, modification, or termination of any such regulation, as he may deem necessary or proper, under and pursuant to the provisions of any marketing agreement or marketing order effective in accordance with the provisions of the aforesaid act, but the Administrator of Agricultural Marketing is not authorized to amend, suspend, or terminate any marketing agreement or marketing order, or any provision thereof, effective pursuant to the provisions of said act.

The provisions hereof shall not supersede, modify, or in any manner affect the authority otherwise vested in any official, agent, or employee of the United States Department of Agriculture to perform any act or function in connection with, or pursuant to, any marketing agreement or marketing order effective pursuant to the provisions of said act; and the provisions hereof shall not preclude the Secretary from performing any act or function in connection with, or pursuant to, any such marketing agreement or marketing order effective pursuant to said act.

Done at Washington, D. C., this 10th day of February 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-1212; Filed, February 10, 1942; 11:09 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CHANGE OF TIME AND PLACE[1] OF FURTHER HEARING ON THE HOME WORK PROBLEM IN THE WOMEN'S APPAREL INDUSTRY

Whereas in accordance with notice duly published in the FEDERAL REGISTER, a public hearing was scheduled to be held on February 17, 1942, before Major Robert N. Campbell as Presiding Officer in Washington, D. C., for the purpose of taking further evidence on the following question:

What, if any prohibition, restriction or regulation of home work in the women's apparel industry is necessary to carry out the purposes of the wage order effective September 29, 1941, to prevent the circumvention or evasion of such order, and to safeguard the 40-cent minimum wage rate established therein; and

Whereas it is deemed advisable to postpone such hearing and to transfer the place of the hearing to New York City;

Now, therefore, notice is hereby given that:

1. The hearing on the home-work problem in the women's apparel industry is postponed to March 5, 1942, at 10 a. m., at the Administrator's office, Wage and Hour Division, 1560 Broadway, New York City.

2. The hearing will be conducted in accordance with the rules and procedure issued for the original hearing in a Notice of Hearing published in the FEDERAL REGISTER on July 1, 1941, and incorporated by reference in the Notice of Further Hearing published in the FEDERAL REGISTER on November 18, 1941.

Signed at Washington, D. C., this 10th day of February 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-1219; Filed, February 10, 1942; 11:46 a. m.]

NOTICE OF CANCELLATION OF SPECIAL LEARNER CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that two special certificates for the employment of learn-

[1] To be held March 5, 1942, at New York City, N. Y.

ers issued to the Reade Manufacturing Company of Malden, Missouri, the first effective April 5, 1940 and another certificate effective October 11, 1940, have been ordered cancelled as of the date of issue by reason of the violations of their terms. All learners employed under these certificates are entitled to the applicable minimum rate for all hours worked as if no certificate had been issued.

Signed at Washington, D. C., this 10th day of February 1942.

ALEX G. NORDHOLM,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 42-1220; Filed, February 10, 1942; 11:46 a. m.]

NACHMAN SPRING-FILLED CORPORATION

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Nachman Spring-filled Corporation, Chicago, Illinois, relief from the necessity of preserving their employee piecework tickets as required by § 516.15, paragraph (a), of the Record Keeping Regulations.

This authority is granted on the representation of the petitioner and is subject to revocation for cause.

Signed at Washington, D. C. this 10th day of February 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-1221; Filed, February 10, 1942; 11:46 a. m.]

REID, MURDOCH AND COMPANY

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted Reid, Murdoch and Company, Chicago, Illinois, relief from the necessity of preserving their receiving records, salesmen records and bills of lading to customers for two years as required by § 516.15, paragraph (b) of the Record Keeping Regulations, Part 516.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at Washington, D. C. this 10th day of February 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-1218; Filed, February 10, 1942; 11:47 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 299]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH OF CANADIAN COLONIAL AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is hereby assigned to be held on February 19, 1942, at 10 a. m. (eastern standard time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated: February 9, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1215; Filed, February 10, 1942; 11:25 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6209]

IN RE APPLICATION OF DURHAM RADIO CORPORATION (WDNC), DURHAM, NORTH CAROLINA, FOR CONSTRUCTION PERMIT

ORDER GRANTING LEAVE TO INTERVENE, ETC.

The Commission having under consideration the petition of S. E. Adcock, d/b as Stuart Broadcasting Company, licensee of Station WROL, Knoxville, Tennessee, for leave to intervene and for enlargement of the issues in the hearing on the above-entitled application;

It is ordered, This 6th day of February 1942, that the petition for leave to intervene be, and the same is hereby, granted; and

It is further ordered, That the hearing issues as now designated, be, and the same are hereby, amended to read as follows:

1. To determine the areas and populations which would gain primary service from the operation of Station WDNC as proposed, and what other broadcast services are available to these areas and populations.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WDNC as proposed and the operation of Station WROL as proposed in application B3-P-3407, Station WSJS as proposed in application B3-MP-1258, and Station WAGE as proposed in application B1-P-3323, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

3. To determine the extent of any interference which would result from the simultaneous operation of Station WDNC as proposed herein and Station WROL.

4. To determine the areas and populations which would be deprived of primary service as the result of the operation of Station WDNC as proposed herein, and what other broadcast service is available to these areas and populations.

5. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station WDNC as proposed.

6. To determine whether the authorization requested herein is the best available assignment.

7. To determine whether the granting of this application and the operation of Station WDNC as proposed on the frequency 620 kc, would serve public interest, convenience, or necessity better than the operation of Station WRAL on the same frequency as proposed in application B3-P-3189.

8. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether, in view of the facts adduced under the foregoing issues and the issues relating to the application of Capitol Broadcasting Company, Inc., Docket 6210, public interest, convenience, and necessity will be served by the granting of this application and the application of Capitol Broadcasting Company, Inc., or either of them.

By the Commission, Paul A. Walker, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1214; Filed, February 10, 1942; 11:25 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-496]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been

filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than February 24, 1942, at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central Ohio Light & Power Company, a subsidiary of Crescent Public Service Company, a registered holding company, proposes to declare and pay out of earned surplus dividends in the aggregate amount of $40,000 to the holders of its Common Stock during the year 1942. The application was filed by Central Ohio Light & Power Company pursuant to section 12 (c) of said Act and the Commission's Order, dated February 19, 1941 (Holding Company Act Release No. 2570), which provides, in part, that so long as any of the First Mortgage 3½% Bonds, Series D, due March 1, 1966, of Central Ohio Light & Power Company shall be unredeemed and outstanding or until further Order of the Commission, no further dividends shall be declared or paid on said Common Stock except upon application to and approval by order of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1228; Filed, February 10, 1942; 11:53 a. m.]

IN THE MATTER OF KINGDOM OF ROUMANIA, KINGDOM OF ROUMANIA MONOPOLIES INSTITUTE 7% GUARANTEED EXTERNAL SINKING FUND GOLD BONDS, STABILIZATION AND DEVELOPMENT LOAN OF 1929, DUE FEBRUARY 1, 1959

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1942.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Guaranteed External Sinking Fund Gold Bonds, Stabilization and Development Loan of 1929, due February 1, 1959, registered with the Commission by the Kingdom of Roumania and the Kingdom of Roumania Monopolies Institute; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on February 19, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1229; Filed, February 10, 1942; 11:53 a. m.]

[File No. 1-802]

IN THE MATTER OF FANNY FARMER CANDY SHOPS, INC. COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 9th day of February, A. D. 1942.

The Fanny Farmer Candy Shops, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, $1 Par Value, from listing and registration on the New York Curb Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on February 19, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1230; Filed, February 10, 1942; 11:53 a. m.]

[File No. 70-487]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of February, A. D. 1942.

Notice heretofore was given on January 26, 1942, that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, in respect of transactions summarized as follows:

The North American Company, a registered holding company under the Public Utility Holding Company Act of 1935, proposes to sell to certain investment dealers for distribution to the public up to and not exceeding 2,695,000 shares of the Common Stock, without par value, of its subsidiary company, Union Electric Company of Missouri, such maximum number of shares being the entire interest owned by the parent company in the subsidiary company and being all of the issued and outstanding common stock of the subsidiary company. Union Electric Company of Missouri has outstanding $80,000,000 of First Mortgage and Collateral Trust Bonds, 3⅜% Series due 1971, and 130,000 shares of $5 Preferred Stock, and 150,000 shares of Preferred Stock, $4.50 Series.

The declaration states that Union Electric Company of Missouri will file in the near future a Registration Statement under the Securities Act of 1933 with respect to the proposed sale of its Common Stock and that there will be no commitment to The North American Company to purchase all or any specified portion of the shares of Common Stock, the obligation of the investment dealers to purchase such shares being limited to shares sold by them. The agreement to be entered into by and between The North American Company and the investment dealers will provide, among other things, that a Selling Group will be formed, the Selling Group will be managed by Dillon, Read & Co. and may include any or all of the investment dealers; that the period during which the agreement is to be operative may be terminated at any time or suspended from time to time by The North American Company in its sole discretion; and that The North American Company will have the right from time to time in its discretion to change the public offering price.

The initial public offering price of the Common Stock to be sold and the period during which the agreement above referred to will be operative have not been supplied and such information, among other things, will be supplied by amendment to the declaration.

The net proceeds from the sale of the Common Stock will be applied by The North American Company, from time to time, to the retirement of its presently outstanding Debentures in the following amounts and order: (1) $4,813,000 principal amount of 4% Series due 1959, at 103.25, the present redemption price; (2) $24,813,000 of 3¾% Series due 1954 at 102.25; and (3) $19,850,000 of 3½% Series due 1949 at 102.25. Any net proceeds received after the above-mentioned debentures have been retired will be held or used by The North American Company for its general corporate purposes. Such use of the net proceeds from the proposed sale of the Common Stock, it is stated, is in furtherance of a retirement program already adopted by The North American Company.

The North American Company requests that the Commission, by order, permit the declaration to become effective prior to February 16, 1942 and that the Commission find that the proposed sale of the Common Stock is exempt from the Competitive bidding requirement of Rule U-50 under said Act.

It appearing to the Commission that it is appropriate in the public interest

and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 12, 1942, at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to The North American Company and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1231; Filed, February 10, 1942; 11:54 a. m.]